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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,598	10/31/2003	Brent Pipal	MSI-1670US	1651
22801	7590	07/05/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER HOMAYOUNMEHR, FARID	
			ART UNIT 2132	PAPER NUMBER
			NOTIFICATION DATE 07/05/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,598	<b>Applicant(s)</b> PIPAL ET AL.	
	<b>Examiner</b> Farid Homayounmehr	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-18, 24-28 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18, 24-28 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/31/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's election of Group II, including claims 10-18, 24-28, and 33-36 in the reply filed on 23 April 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### **Information Disclosure Statement PTO-1449**

2. The Information Disclosure Statement submitted by applicant on 10/31/2003 has been considered. Please see attached PTO-1449.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 10-13, 16-18, 24, 26, 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kester et al. (US Patent No. 7,185,015, filed March 14, 2003), hereinafter called Kester.

Kester teaches detecting the launch of an application on a workstation (col. 4 lines 24-30) by a workstation management module, and determining access privileges of the workstation or the user. This determination is based on the application attributes, one of which is the version of the application (a hash, which identifies the application, is generated. One of the identifiers is the version of the application, as shown in col. 4 lines 42-52). The access privileges are determined based on an operating policy (col. 5 lines 25-30), and if the policy does not allow the execution of the identified application, the execution is denied (col. 5 lines 30-39). Kester teaches the limitations of claims detailed as follows:

4.1. As per claim 10, Kester is directed to a method comprising: determining a version of program code (col. 4 lines 48-53, where the version of an application (program code) is determined as a property of the application) satisfying an operating policy (col. 5 lines 25-30, where the policy corresponding to the application is also identified); and denying execution of program code on a client if a version of the program code on the client is different from the version of program code satisfying the operating policy (col. 5 lines 33-35, where the execution is denied if the policy does not allow it. Therefore, if the policy associated with the version of the launched program does not allow its execution, it won't be executed, and if the policy associated with the version allows execution, it will be executed. Therefore, the program version that is different than the version allowed to be executed, will not be executed.)

4.2. As per claim 11, Kester is directed to the method of claim 10, further comprising executing the program code on the client when the version of program code on the client corresponds to the version of program code satisfying the operating policy (see response to claim 1).

4.3. As per claim 12, Kester is directed to the method of claim 10, further comprising determining the version of program code on the client during launch of the program code (col. 4, lines 42-43).

4.4. As per claim 13, Kester is directed to the method of claim 10, further comprising receiving the operating policy at the client (col. 5 lines 4-9. Note that per Fig. 2, the workstation management module is part of the workstation).

4.5. As per claim 16, Kester is directed to the method of claim 10, further comprising notifying a user at the client if the version of program code on the client is different from the version of program code satisfying the operating policy (col. 5, lines 47-62).

4.6. As per claim 17, Kester is directed to the method of claim 10, further comprising notifying a network administrator if the version of program code on the client is different from the version of program code satisfying the operating policy (col. 15, lines 32-60).

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4.7. As per claim 18, Kester is directed to the method of claim 10, further comprising recording in a log if the version of program code on the client is different from the version of program code satisfying the operating policy (col. 13, lines 4-21).

4.8. Limitations of claims 24 and 26 are substantially the same as claims 10-13, and 16-18 above.

4.9. Limitations of claims 33-36 is substantially the same as limitations of claims discussed above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-15, 25, 27, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Kester.

6.1. As per claim 14, Kester is directed to the method of claim 10, further comprising writing the version of program code on the client to a cache and then reading the cache while the program code is loading (col. 13, lines 4-21 teaches logging that an

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application is allowed for execution. Examiner takes the official notice that caching to speed up a decision process was well-known in the art. Therefore, Kester's teaching of logging the execution allowed application, and the official notice make caching and reading the cache while program is running to speed up decision making to execute the program obvious.

6.2. As per claim 15, Kester is directed to the method of claim 10, further comprising updating the program code on the client when the version of program code on the client is different from the version of program code satisfying the operating policy (col. 15 lines 32-60 teaches downloading and categorizing applications to workstations (note that per col. 10, lines 17-20, collection data includes application itself). Kester teaches how the administrator determines if a program can be executed on a workstation. It also teaches how applications can be updated on a workstation. Examiner takes the official notice that downloading a version of a program that can be executed on certain workstations was a well-known practice for the system administrators. Therefore, the official notice and teachings of Kester makes downloading the version that satisfies the policy (is allowed for execution) to the client obvious. Note further that col. 14, lines 27-54 teaches collecting an inventory of all applications on workstations, and determining if the programs are allowed for execution.

6.3. As per claim 25, Kester is directed to the system of claim 24, further comprising a security module authenticating the client in a network, the authenticated client receiving

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the operating policy (col. 18 lines 2-5 shows encryption of data such that only the authorized user can read it, therefore teaching a security module and making authentication to protect data confidentiality obvious).

6.4. As per claims 27 and 28, Kester is directed to the system of claim 24, wherein the operating policy includes at least one access control list (ACL) or ACE (ACL and ACE were well-known mechanisms to specify a policy. Examiner takes official notice that because ACL and ACE were widely used, it would have been obvious to use them to express policy).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status




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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner

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